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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jong-Kwon Kim et al.

Atty. Docket: 5000-1-328

Serial No. 10/645,189

Group Art Unit: 2613

Filed: August 21, 2003

Examiner: Marina Y. Taranina

Title: SYSTEM AND METHOD FOR SUPPLYING POWER TO MEDIA
CONVERTERS FOR OPTICAL COMMUNICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA22313-1450

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW NOTICE OF ABANDONMENT

Sir:

Applicant respectfully requests the Assistant Commissioner for Patents to restore the subject application, indicated by the Patent and Trademark Office (PTO) to be abandoned, to pending status on the ground that Applicant never received an Office Action.

FACTS

1. Applicants' attorney has conducted a follow up on the pending matter and discovered that the subject application is considered by the PTO have been abandoned by Applicant's failure to respond to an Office Action mailed on October 18, 2006.

2. Applicant never had the opportunity to respond to the Office Action by the prescribed due date, as attested to by the accompanying Declarations of Steve Cha and Lorraine Callahan under 1156 O.G. 53.

RELIEF REQUESTED

The Assistant Commissioner is respectfully requested to restore the subject application to pending status and resend the Office Action mailed on October 18, 2006.

FEE

The Assistant Commissioner is hereby authorized to charge Deposit Account No. 502-470 for any petition fee which may be due. However, since it is believed that the holding of abandonment is the result of circumstances not attributable to any fault of Applicants or their representatives, it is respectfully suggested that no fee is due.

Applicants' undersigned attorney may be reached by telephone at (201)226-9245. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Steve Cha,
Attorney Reg. 44,069
(201)226-9245

CHA & REITER, LLC
210 Route 4 East, #103
Paramus, NJ 07652

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

On Steve Cha

By 5-24-07



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jong-Kwon Kim et al.

Atty. Docket: 5000-1-328

Serial No. 10/645,189

Group Art Unit: 2613

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Title: SYSTEM AND METHOD FOR SUPPLYING POWER TO MEDIA
CONVERTERS FOR OPTICAL COMMUNICATION

DECLARATION OF Steve Cha
UNDER 1156 O.G. 53

Sir:

I, the undersigned Steve Cha, declare and say that:

1. I am a patent attorney for Samsung Electronics Co., Ltd., and I am the attorney who is primarily responsible for prosecution of the subject patent application and is listed on the originally filed Power of Attorney form, which was filed on August 21, 2003.

2. The Notice of Office Action at issue was not received by Applicant. To attest to this fact, I have personally searched the file jacket of the subject application and found no record of any such Office Action. According to the examiner, the Office Action was mailed to our previous address at 411 Hackensack Ave, 9th Floor, Hackensack, NJ 07601.

3. Our office has moved from the previous address to the current address at 210 Route 4 East #103, Paramus, NJ 07652 at about November of 2003. Prior to the relocation, all the applications in our office including this patent application at issue was associated with our Customer number (33942). To attest this fact, applicant encloses a

copy of application filed on November 19, 2003, including the patent application transmittal form, bearing our customer number (See Exhibit A)

4. After the relocation to our current address on November of 2003, a petition to update our address associated with our Customer number was filed on January 30, 2004, and later processed by the Patent and Trademark Office. Since then, our office has been receiving all the correspondences associated with our Customer number correctly to our new location. (See Exhibit B)


5. I have checked the pair system for this particular case. However, the system still has our old address despite our request to update to the new address on January 30, 2004. However, the system lists our new phone number.

6. After evidencing the correct association of this patent application with our Customer number and petitioning to update the address associated with our Customer number on January 30, 2004 after the relocation, our office has been waiting for the Office Action at the new address as we felt the update was performed diligently.

7. Further, after a personal search of the file jacket and reviewing the pertinent records, including the Declaration of Lorraine Callahan and the docket records, I conclude that the Office Action was never received by our office at the correct address.

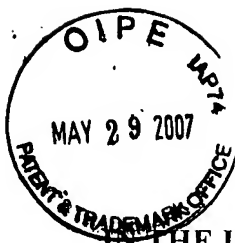
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statement and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated: May 24, 2007



Steve Cha
Reg. No. 44,069

CHA & REITER, LLC
210 Route 4 East, #103
Paramus, NJ 07652
Tel:201-226-9245
Fax:201-226-9246



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jong-Kwon Kim et al.

Atty. Docket: 5000-1-328

Serial No. 10/645,189

Group Art Unit: 2613

Filed: August 21, 2003

Examiner: Marina Y. Taranina

Title: SYSTEM AND METHOD FOR SUPPLYING POWER TO MEDIA
CONVERTERS FOR OPTICAL COMMUNICATION

DECLARATION OF Lorraine Callahan
UNDER 1156 O.G. 53

Sir:

I, the undersigned LORRAINE CALLAHAN, declare and say that:


1. I am the Docketing Manager for Cha & Reiter, LLC. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, maintaining records of such documents and periods for response thereunder. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the company.

2. I maintain a computerized Attorney Master Docket in which is recorded the due date for responding to Office Actions and Communications received from the Patent and Trademark Office. I would have recorded the due date for the Office Action related in our incoming logging sheet and Attorney Master Docket. A copy of incoming mail log, from year 2005, listing all communication from the United States Patent and Trademark Office is attached hereto. (Exhibit C) As the Office Action was never received, the due date was not entered into our computer system.

3. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm of Cha & Reiter, LLC did not receive the Office Action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Application or any patent issued thereon.

Date: May 24, 2007



Lorraine Callahan

Exhibit A

Please type a plus sign (+) inside this box → ⊕

PTO/SB/05 (11-00)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	5000-1-328
	First Inventor	Jong-Kwon KIM et al.
	Title	SYSTEM AND METHOD FOR ...
	Express Mail Label No.	EV 326741878 US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
 See 37 CFR 1.27.
3. ☒ Specification [Total Pages **17**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **6**]
5. Oath or Declaration [Total Pages **3**]
 - a. ☒ Newly executed (original or copy)
 Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - b. ☐ **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s)
 named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

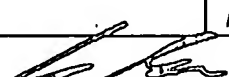
- | ACCOMPANYING APPLICATION PARTS | |
|---|--|
| 9. <input checked="" type="checkbox"/> | Assignment Papers (cover sheet & document(s)) |
| 10. <input type="checkbox"/> | 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney
<i>(when there is an assignee)</i> |
| 11. <input type="checkbox"/> | English Translation Document <i>(if applicable)</i> |
| 12. <input type="checkbox"/> | Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations |
| 13. <input type="checkbox"/> | Preliminary Amendment |
| 14. <input checked="" type="checkbox"/> | Return Receipt Postcard (MPEP 503)
<i>(Should be specifically itemized)</i> |
| 15. <input checked="" type="checkbox"/> | Certified Copy of Priority Document(s)
<i>(if foreign priority is claimed)</i> |
| 16. <input type="checkbox"/> | Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. |
| 17. <input type="checkbox"/> | Other: |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____ / _____
 Prior application information: Examiner: _____ Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS				
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		33942 <i>(Insert Customer No. or Attach bar code label here)</i>		
Name		or <input type="checkbox"/> Correspondence address below		
Address				
City		State	Zip Code	
Country		Telephone	Fax	

Name (Print/Type)	Steve S. Cha	Registration No. (Attorney/Agent)	44,069
Signature		Date	8/21/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

10/645189
 08/21/03

DECLARATION AND POWER OF ATTORNEY

As a below named inventor (s), I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR SUPPLYING POWER TO MEDIA CONVERTERS FOR OPTICAL COMMUNICATION

, the specification of which is attached hereto unless the following box is checked:

☐ was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>2002-57000</u> (Number)	<u>Republic of Korea</u> (Country)	<u>18/09/2002</u> (Day/Month/Year Filed)	Priority Claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of the Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

POWER OF ATTORNEY: I hereby appoint as my attorneys and other attorneys or agents the registered persons identified under

CUSTOMER NUMBER
33942

for the law firm of Cha & Reiter, said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to: Steve S. Cha, Esq.
CHA & REITER
411 HACKENSACK AVE
9TH FLOOR
HACKENSACK, NEW JERSEY 07601

CUSTOMER NUMBER
33942

Address all telephone calls to: (201)518-5518:

I (we) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Jong-Kwon KIM
Residence Address: 146-12, Kayang 2-dong, Tong-gu, Taejon-Kwangyokshi,
Republic of Korea
Post office address: Same as above
Citizenship: Republic of Korea

Date: August 12, 2003

Signature: Jong Kwon Kim

Full name of second inventor: Dong-Il SEO
Residence Address: #102-1807, Yukangwoobangtown, Yukang-ri Yonil-eup, Nam-gu,
Pohang-shi, Kyongsangbuk-do, Republic of Korea
Post office address: Same as above
Citizenship: Republic of Korea

Date: August 12, 2003

Signature: Dong Il Seo

Full name of third inventor:

Residence Address:

Post office address:

Citizenship:

Yun-Je OH

#102-202, Dongilhivill, Kusong-myon, Yongin-shi, Kyonggi-do,
Republic of Korea

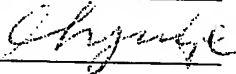
Same as above

Republic of Korea

Date:

August 12, 2003

Signature:



Full name of fourth inventor:

Residence Address:

Post office address:

Citizenship:

Seong-Taek HWANG

#102-303, Daerim APT., Dokgok-dong, Pyongtaek-shi, Kyonggi-do,
Republic of Korea

Same as above

Republic of Korea

Date:

August 12, 2003

Signature:



Exhibit B

PTO/SB/124A (06-03)

Approved for use through 07/31/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Customer Number Data Change

Address to:
Mail Stop EBC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner for Patents:

33942

Please record the following data changes to Customer Number:

☒ Please change Address to:

Firm or Individual Name	CHA & REITER, LLC				
Address	210 Route 4 East, Suite 103				
Address					
City	Paramus	State	NJ	Zip	07652
Country	USA				
Telephone	201-226-9245	Fax	201-226-9246		

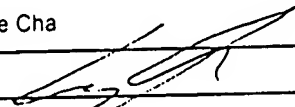
☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:

☒ Please add the following practitioner registration number(s) from the Customer Number above:

44,069	42,576	37,709		

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

Request Submitted by: (must be a person, e.g. registered practitioner, associated with the customer number shown above)

Firm Name (if applicable)	CHA & REITER, LLC			
Name of Person Submitting request	Steve Cha			
Signature			Registration No.	44,069
Telephone Number	201-226-9246	Date	1/30/04	

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.

Serial No. _____ Docket No. _____ Div. _____
Title _____

In the Application of _____
the following papers have been received by the Patent and Trademark Office, as
indicated by the date stamped hereon:

- ☒ Application For Patent
_____ pages of spec., claims & abs. P 4: 53
2004 FEB 3
RECEIVED
EPC CSC
2004 FEB 3
Affidavit
Sheet(s) 10
- ☐ Declaration
☐ Drawings
☐ Assignment
☐ Priority document
☐ Power of Attorney
☐ Check for \$ _____
- ☐ Amendment
☐ Response
☐ Extension of Time
☐ Issue Fee
☐ Maintenance Fee
☐ Appl. TM Registration
☐ 8 & 15 Declaration
☐ Renewal Application
☐ Notice of Appeal
☐ Brief
☐ Petition

☒ REQUEST FOR CUSTOMER
NUMBER DATA CHANGE

INCOMING

2006
(7)

DATE	FILE NO.	SERIAL NO.	TYPE
8/29/06	5000-1-329	10/621, 589	OA
8/30/06	5000-1-414	10/625, 161	OA
8/31/06	5000-1-455	10/681, 936	OA
8/31/06	5000-1-389	10/391, 704	FA
8/31/06	5000-1-343	10/648, 661	OA
9/1/06	5000-1-675	10/963, 942	FA
9/7/06	5000-1-342	10/679, 640	OA
9/11/06	5000-1-499	10/684, 881	OA
9/11/06	5000-1-081 CON	11/127, 881	FA
9/11/06	5000-1-398	10/391, 670	OA
9/11/06	5000-1-355	10/459, 788	OA
9/11/06	5000-1-439	10/683, 090	OA
9/11/06	5000-1-291	10/615, 711	FA
9/14/06	5000-1-673	10/991, 317	FA
9/18/06	5000-1-317	10/331, 314	FA
9/18/06	5000-1-392	10/638, 453	OA
9/20/06	5000-1-361	10/456, 144	OA
9/20/06	5000-1-776	11/224, 152	OA
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9/20/06	5000-1-365	10/677, 462	FA
9/25/06	5000-1-616	10/853, 969	OA
9/25/06	5000-1-464	10/686, 860	OA
9/28/06	5000-1-489	10/730, 594	OA
9/28/06	5000-1-358	10/446, 463	OA
9/28/06	5000-1-421	10/645, 188	OA
9/28/06	5000-1-411	10/406, 468	OA
9/28/06	5000-1-359	10/632, 480	OA
9/29/06	5000-1-584	10/839, 304	AA
9/16/06	5000-1-360	10/456, 166	OA

INCOMING

2006
(8)

DATE	FILE NO.	SERIAL NO.	TYPE
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10/2/06	5000-1-543	10/798,662	AA
10/5/06	5000-1-354	10/657,369	OA
10/5/06	5000-1-433	10/658,639	OA
10/5/06	5000-1-729	11/247,511	RR
10/5/06	5000-1-471	10/691,359	OA
10/5/06	5000-1-486	10/733,224	OA
10/6/06	5000-1-731	11/148,061	RR
10/10/06	5000-1-740	11/185,105	AA
10/12/06	5000-1-496	10/713,393	OA
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10/18/06	5000-1-615	10/874,429	AA
10/19/06	5000-1-519	10/728,002	OA
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10/23/06	5000-1-818	11/367,610	OA
10/23/06	5000-1-628	10/684,069	FA
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INCOMING

2006
(9)

DATE	FILE NO.	SERIAL NO.	TYPE
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10/26/06	5000-1-625	10/901,281	FA
10/30/06	5000-1-554	10/794,980	FA
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11/9/06	5000-1-705	11/058,793	OA
11/16/06	5000-1-460	10/671,196	OA
11/16/06	5003-1-002	11/400,257	OA
11/20/06	5000-1-794	11/348,782	OA
11/20/06	5000-1-449	10/671,218	OA
11/20/06	5000-1-503	10/771,793	OA
11/20/06	5000-1-511	10/771,603	OA
11/22/06	5000-1-586	10/824,302	AA
11/30/06	5000-1-377	10/427,284	OA FA
12/4/06	5000-1-426	10/781,037	OA
12/4/06	5000-1-365	10/677,462	OA